



United States Senate

NEWS RELEASE

FOR IMMEDIATE RELEASE:
February 9, 2006

CONTACT: BARBARA RILEY
(Sununu) 202-224-2841
Dan Whiting
(Craig) 202-224-8078
Mike Buttry
(Hagel) 202-224-4224
Kevin Sweeney
(Murkowski) 202-224-6665

**SUNUNU, CRAIG, MURKOWSKI, HAGEL ANNOUNCE
AGREEMENT WITH WHITE HOUSE ON PATRIOT ACT**

**Strengthened legislation would renew anti-terrorism law
while protecting Americans' civil liberties**

WASHINGTON, DC – Republican Senators John Sununu (R-NH), Larry Craig (R-ID), Lisa Murkowski (R-AK), and Chuck Hagel (R-NE) today (2/9) announced they have reached agreement with the White House regarding the reauthorization of the USA PATRIOT Act. The package includes modifications to the Conference Report in three specific areas to better protect civil liberties while still providing law enforcement with expanded tools to conduct terrorism investigations.

“America’s civil liberty protections are a model to the world. We should always strive to balance protection of these freedoms with the essential needs of law enforcement. The substantive, and at times, emotional debate concerning PATRIOT Act reauthorization reflects the importance of enabling law enforcement to investigate terrorists without sacrificing these rights,” said the Senators. “We are pleased that we have made real progress throughout the overall reauthorization process in addition to the improvements announced today.”

In particular, the agreement addresses Section 215 orders, National Security Letters (NSLs), and adds clarification that libraries functioning in their traditional capacity, including providing basic Internet access, are not subject to NSLs.

Section 215 Subpoenas

- With regard to section 215 orders (a subpoena granted by the Foreign Intelligence Surveillance Act court to obtain sensitive information on individuals such as library, medical, education or gun-related records), recipients of such an order would have the explicit right to challenge the non-disclosure requirement (“gag order”) order that accompanies a 215 order;

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“In the case of a gag order, it is critically important that the target of an investigation – especially one who isn’t guilty of a crime – has an opportunity to argue his or her case before a judge,” said Sununu, Craig, Murkowski, and Hagel. “For the first time since enactment of the PATRIOT Act, recipients of a 215 order will have a clear process to challenge the permanent gag order that comes with a 215 subpoena.”

National Security Letters

- The agreement removes a requirement from the conference report that an individual provide the FBI with the name of an attorney consulted regarding an NSL. NSLs are administratively issued (that is, not issued by a judge) subpoenas used to gain targeted financial and electronic records.

“In removing this provision, which does not exist anywhere in current law, we have eliminated language that could have had a chilling effect on an individual’s right to seek legal counsel,” they continued.

Libraries

- Clarifies current law to ensure that libraries functioning in their traditional roles, including providing Internet access, are not subject to NSLs.

“The agreement clarifies current law to make clear that libraries functioning in their traditional role are not subject to National Security Letters,” said the Senators. “These traditional services include making books available in digital format, and offering patrons access to the Internet.”